

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the amendments above and the following remarks. By virtue of the claim amendments, Claims 1, 18, 30, and 39 have been amended. Therefore, Claims 1, 2, 6-11, 18-21, 24, and 30-41 remain pending in the present application.

No new matter has been introduced by way of the claim amendments, and entry thereof is therefore respectfully requested.

Drawings

The indication that the Drawings filed on October 31, 2003 have been accepted is noted with appreciation.

Information Disclosure Statement

The Official Action did not indicate that the Examiner considered the references cited in the Information Disclosure Statement filed on October 31, 2003. However, all of the references cited in that Information Disclosure Statement have been cited in a Notice of References Cited attached with the outstanding Official Action.

Claim Rejections Under 35 U.S.C. §103

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim

limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claims 1, 2, 6-11, 18-20, 24, and 30-41 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the disclosures contained in U.S. Patent No. 6,557,624 to Stahl et al. in view of U.S. Patent No. 6,283,380 to Nakanishi et al. This rejection is respectfully traversed because Stahl et al. and Nakanishi et al., considered singly or in combination do not disclose the claimed invention as set forth in Claims 1, 18, 30 and 39. In addition, Nakanishi et al. does not make up for the deficiencies in the Stahl et al. document.

Claims 1, 18, 30, and 39 of the present invention have been amended to include that the heat exchanger unit includes an opening and a plurality of fans located on opposite sides of the opening. Support for this claim amendment may be found, for instance, in Figures 2 and 3. In addition, Claims 1 and 39 have been amended to indicate that air is received from the room through the opening and cooled air is delivered to the room through the plurality of fans located on opposite sides of the opening.

Stahl et al. discloses a heat exchanger 110 that forms a substantially circuitous path parallel to either a floor (Figure 1) or a ceiling (Figure 3) of a room (R). The heat exchanger 110 of Stahl et al. forms a cooling coil or comparable device through which coolant fluid flows. Column 3, lines 38-41. Air surrounding the heat exchanger 110 "is cooled by being directed through or in proximity to the heat exchanger 110." Column 3, lines 42-44. Stahl et al. also discloses that fan units 120 are positioned between either a floor (F) or a ceiling (C) and the heat exchanger 110. The fan units 120 are described as being operated to draw cooled air from the heat exchanger 110 into the room (R). Column 3, lines 62-65.

As shown in the figures of Stahl et al., the fan units 120 are separate and distinct devices that include a number of fans 130. In addition, the fans 130 are supported in a casing

of the fan unit 120. The casing of the fan unit 120 does not include any openings between the fans 130. Instead, in all of the figures, the casing of the fan unit 120 is illustrated as forming a solid structure. Therefore, Stahl et al. does not disclose that the fan unit 120 includes a plurality of fans positioned on opposite sides of an opening as set forth in Claims 1, 18, 30 and 39 of the present invention. In addition, Stahl et al. does not disclose that air is received from the room through the opening as claimed in Claims 1 and 39. Moreover, Stahl et al. does not disclose that a plurality of fans are configured to cause air to flow into the heat exchanger unit through the opening as claimed in Claims 18 and 30.

The Official Action correctly notes that Stahl et al. fails to disclose determining whether sensed temperatures are within a predetermined range and controlling cooling fluid temperature or air flow delivery in response to the sensed temperatures. In an attempt to make up for this deficiency in Stahl et al., the Official Action relies on the disclosure contained in the Abstract of Nakanishi et al. More particularly, the Official Action asserts that one of ordinary skill in the art would have been motivated to modify the Stahl et al. disclosure with the Nakanishi et al. disclosure. It is respectfully submitted, however, that even assuming for the sake of argument that one of ordinary skill in the art would have been so motivated, that the proposed combination would still fail to yield all of the elements of the claimed invention as set forth in Claims 1, 18, 30, and 39.

Nakanishi et al. discloses movable fans 14 configured to vary the direction and flow rate of air supplied to various locations in a computer room 10. As most clearly seen in Figure 2 of Nakanishi et al., the fans 14 comprise single movable fans. Therefore, Nakanishi et al. does not disclose a heat exchanger unit having a plurality of fans positioned on opposite sides of an opening through which air from the room is caused to flow as claimed in Claims 1, 18, 30, and 39. In this respect, the disclosure contained in Nakanishi et al. does not make up for the deficiencies in Stahl et al. Consequently, the disclosures contained in Stahl et al.

and Nakanishi et al., considered either singly or in combination fail to teach or suggest all of the features claimed in Claims 1, 18, 30, and 39 and thus the Official Action has failed to establish a *prima facie* case of obviousness based on these documents.

Accordingly, the Examiner is respectfully requested to withdraw the rejection of Claims 1, 18, 30, and 39 and to allow these claims. Claims 2, 6-11, 19, 20, 24, 31, 34-38, 40 and, 41 are also allowable over the proposed combination of Stahl et al. and Nakanishi et al. at least by virtue of their dependencies upon allowable independent claims.

In addition, Stahl et al. and Nakanishi et al fail to disclose many of the features of dependent Claims 2, 6-11, 19, 20, 24, 31, 34-38, 40 and, 41. Although not specifically argued, Applicants respectfully reserve the right to pursue such arguments at a later date.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please

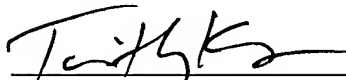
grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

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By



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